



# Bureau of HIV and STD Prevention

HIV/STD Clinical Resources Division  
HIV/STD Epidemiology Division  
HIV/STD Health Resources Division

Est. May 26, 1998

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HIV/STD Policy No. 110.002

## HIV AND STD PREVENTION ACTIVITIES IN STATE PRISONS AND JAILS, FEDERAL PRISONS AND PRIVATE PRISONS

### PURPOSE

This policy establishes the extent of HIV and sexually transmitted disease (STD) prevention activities in which the Texas Department of Health (TDH), Bureau of HIV and STD Prevention (Bureau) and its contractors will participate in prisons and state jails located in Texas. The prisons affected are those operated by the state or federal government or prisons operated privately on their behalf.

### BACKGROUND

The Bureau is designated as the primary source of HIV/AIDS treatment and prevention in the state. It fulfills that responsibility through contracts with various organizations that provide for the prevention and treatment of HIV disease in the general population of the state using federal and state funds specifically for that purpose. These organizations use the funds to fill gaps in services for HIV positive individuals and their families in a manner that does not duplicate the efforts of other entities. The responsibility of overseeing the health of individuals in prisons or state jails is given to a federal, state or private entity that has jurisdiction over the prisoners in the facility. Each entity oversees the operation of their prisons or jails and is responsible for HIV/STD prevention and treatment. Additionally, state and federal agencies also contract with private organizations that operate prisons on their behalf. Occasionally there are questions regarding the extent of the activities in which the Bureau and Bureau contractors are to be involved with regard to prevention and treatment in these facilities.

### AUTHORITY

Code of Federal Regulations (CFR) Chapter 28, §§ 549.10-549.18; Federal Bureau of Prisons Program Statement 6190.02; V.T.C.A. Health and Safety Code, §85.03, 85.012, §§85.112-85.114, 85.141, 85.142; §§614.015-017; V.T.C.A. Government Code, §501.054; 507.023; V.T.C.A. Local Government Code, §351.101; 25 Texas Administrative Code (TAC) §3.31; 37 TAC, §273.1; 40 TAC, §148.202.

### PREVENTION AND TREATMENT RESPONSIBILITIES IN FEDERAL, STATE AND FOR-PROFIT PRISONS

Neither the Bureau nor its contractors are responsible for HIV/AIDS or STD prevention or treatment services in state or federal prisons, private jails or prisons, or state jails. State and federal law directs administrators to provide such services in these settings.

## CONTRACTOR PRISON ACTIVITIES

Bureau contractors may work with state or private prison/jail personnel to determine if individuals who have been diagnosed as having HIV, AIDS or other STDs, and are to be released, desire to continue treatments when released. The contractor is encouraged to work cooperatively with prison/jail officials to ensure a smooth transition of the individual to the community health setting.

In addition, the contractor may provide information to prison and jail personnel about local resources available to assist infected persons who are to be released and desire to be treated, or continue to be treated.

The Bureau supports contractor involvement in HIV/STD partner elicitation and notification activities in state prisons or jails.

## BUREAU ACTIVITIES WITH STATE AND FEDERAL PRISONS OR STATE JAILS

The TDH has executed a Memorandum of Understanding (MOU) with the Texas Department of Criminal Justice (TDCJ) to provide specific types of coordination and information. Under this agreement, TDH will strive to obtain the most up-to-date information possible about public health conditions and provide that information to TDCJ to assure coordination, communication, and development of any necessary inter-agency rules, policies and procedures. In addition, TDH will provide information about local service providers and accept referrals made by the criminal justice system to appropriate services in the community in which an individual will be released.

The Bureau, as part of TDH, is designated as the primary resource in the state for HIV/AIDS and STD policy, education, prevention, risk reduction materials, and information. When the Bureau is informed that an inmate of a state/federal/private prison or jail is being released and has HIV, AIDS or other STDs, the Bureau will inform the appropriate contractor(s) serving the area in which the released person will be residing.

### Education activities

The Bureau has developed a model education program (HIV/STD Policy No. 035.001) that may be used to develop training for staff, clients, inmates, patients and/or residents in affected facilities. The contents of the Bureau's model education program may be adapted to fit the particular needs of state agencies or private companies. The Bureau, upon request, may act as a consultant with a state agency that is developing or revising an educational program regarding HIV disease for its prison or jail population. The Bureau will not develop specific educational material for an agency but it will provide factual scientific and epidemiologic information.

## Model workplace guidelines

The Bureau, in consultation with appropriate state agencies, will provide factual information regarding treatment and clinical practices to assist in developing model workplace guidelines concerning persons who have HIV/AIDS or STDs and related conditions. However, the Bureau will only act in an advisory capacity to fulfill the requirements of HIV/STD Policy No. 020.006, HIV/AIDS Model Workplace Guidelines for Businesses, State Agencies, and State Contractors.

## Epidemiologic information

The Bureau will work cooperatively with state officials to insure that epidemiologic data related to HIV/AIDS and STDs in prisons or jails are incorporated into the overall state epidemiologic data.

Pertinent epidemiologic information including projections and other analyses relative to HIV disease may be shared with federal and state agencies to aid them in evaluating and targeting activities. The content of the information will conform to the limitations described in HIV/STD Policy No. 020.060, Publication or Release of HIV/STD Data.

## BUREAU ACTIVITIES IN PRIVATE PRISONS

Contracts with private organizations are authorized by the Commissioner's Court of a county. Private companies that operate prisons for a profit are subject to the same policies and rules of the State Jail Commission and are, therefore, subject to the same regulations as prisons operated by the state. Bureau activities related to these facilities are limited to those activities in which the Bureau would be expected to participate in state prisons.

## DATE OF LAST REVIEW:

November 13, 2002                      Converted format from WordPerfect to Word.

## REVISIONS

Page 2, line 18              Add the parenthetical phrase" (Bureau Policy No. 035.001)" after the word "program."

Page 2, line 18              Before the phrase "model education program" add the phrase "contents of the Bureau's." After the word "program" delete the phrase "provided by the Bureau."

These revisions were made in response to public comments regarding the need to clarify where the model education program could be found and how the public could use the program in varied circumstances.